

CALL TO ORDER

Mayor Dziubek opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL - Present: Mr. Haynes, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek.

Absent: Mr. Severino

Others Present: J. Peter Jost, Esq., Kevin Smith, Township Engineer, Pat Essig, Deputy Township Clerk

APPROVAL OF MINUTES

Regular and Executive Session Meeting Minutes of September 16, 2009.

Mr. Haynes made a correction to the September 16, 2009 Regular Minutes. Page 6, the first paragraph “Mr. Severino reported the following:” the last two sentences should be moved to the end of the third paragraph of “Recycling”.

Mr. Bischoff made a motion to approve the corrected Regular and Executive Session Meeting Minutes of September 16, 2009. Mr. Haynes. Vote: Ayes –Mr. Haynes, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

VISITORS**MAYORAL APPOINTMENT TO THE PLANNING BOARD**

The Mayor has received a request from Frank Taibi, Pl. Bd. member indicating that he would like to resign from the Planning Board. The Mayor said that a letter of resignation had not been received. There have been issues with having a Planning Board quorum; therefore, the Mayor decided to appoint Christian Kastrud as an Alternate II. The Township Attorney administered the Oath of Office to Mr. Kastrud.

REPORTS RECEIVED

- a. Road Dept.- Week Ending 9/11, 9/18, 9/25
- b. Union Township Municipal Court – August 2009
- c. Animal Control Officer – September 2009 The dog canvassing is now complete and there were quite a few added to the dog and cat census.

CORRESPONDENCE/WRITTEN COMMUNICATION

Mr. Haynes mentioned the following correspondence: None

MINUTES OF REGULAR MEETING October 7, 2009

Mr. Bischoff mentioned the following correspondence:

- HC Planning Board, Re: County Preservation Program Targeted Farms. Mayor received an email from Barbara Hessin of the Land Conservancy. Ms. Hessin had submitted our plan to the State and received no response. The deadline is December 8, 2009. The Mayor sent a letter to Susan Kraft at the SADB. Paige DiRoberto, UT Agriculture Comm. member is overwhelmed indentifying farms in Union Twp. Atty. Jost offered help to complete the application for the farmland preservation grant. The deadline is 10/21/09.
- HC Planning Board, Re: State Open Space Ballot Measure - The Township Committee has complied with the request.
- Lloyd Tubman/Archer & Greiner, Re: Apgar-Union Township – Mr. Bischoff will email Mr. Stuart Koenig for status.

Mr. Mazza mentioned the following correspondence:

- Recreation Committee, re: Fee Increase. There is no fee increase. Attorney will contact our insurance agent, Mr. Terricone, concerning the new form.
- Letter from Nancy Horvath, Union Township Court Employee Re: Dental Insurance. Asking for inclusion in Township Dental Plan with premium deducted from her wages. The Township has no financial obligation

Mr. Mazza made a motion to allow Nancy Horvath to purchase on her own, dental benefit coverage. Premiums will be deducted from her wages. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

Mrs. Dziubek mentioned the following correspondence:

- Pilot Travel Centers – Field Change 9-14-09 – Lighting change
- NJ DEP correspondence to Union Township that is meant for the Union Township Construction Dept. should be forwarded to the State DCA Construction Code office handling UT construction permits/matters. UT Planning Board should also be copied.

PUBLIC COMMENTS - None

PUBLIC HEARING – 2nd reading - None

OLD BUSINESS

- a. **Discussion-** Union Twp. Municipal Offices Organizational Chart.

Mr. Haynes requested an electronic copy of charts for making revisions. Discussion of dash line/solid line definitions. Defer to next meeting.

- b. **RESOLUTION #2009-___**: Max Spann Realty – Authorizing Sale of Deed-Restricted Farm Property Block 29, Lot 13; Township of Union (“Douglass Farm”).

The Township Attorney reviewed the newly revised draft for the Township Committee. Sent to Michele McBride of UTEC who will pass them on to the Environmental Commission Stewardship Subcommittee.

- c. **Motion** – Approval of Revised Application Form for Use of the Fields and/or Facilities at the Township Parks.

Tabled for the next meeting after the Attorney's review.

NEW ORDINANCE – 1ST Reading

**ORDINANCE #2009-6
APPROVING CHANGES TO THE PLANNING BOARD FEE SCHEDULE**

The Attorney spoke to the municipal Attorney of Clinton and the Planning Board. The above ordinance tabled for the next meeting

NEW BUSINESS

- a. The following resolution introduced for adoption:

**RESOLUTION #2009-136
UNION TOWNSHIP, HUNTERDON COUNTY
ESTABLISHING AND DECLARING A JUVENILE CURFEW IN THE
TOWNSHIP OF UNION**

WHEREAS, P.L. 1992, Chapter 132 (N.J.S.A. 40:48-2.52 et seq.) authorizes and empowers a municipality to enact an ordinance making it unlawful for a juvenile of any age under 18 years within the discretion of the municipality to be on any public street or in a public place between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by the juvenile's parent or guardian, or unless engaged in, or traveling from, a business or activity which the laws of this State authorize a juvenile to perform and making it unlawful for any parent or guardian to allow an unaccompanied juvenile to be on any public street or in any public place during those hours; and

WHEREAS, the Township Committee of the Township of Union on October 6, 1993, adopted on final reading "An Ordinance to Provide for the Establishment of a Curfew for Juveniles in the Township of Union and Providing Penalties for the Violation thereof"; and

WHEREAS, said Ordinance provides that whenever the Governing Body shall determine the need for a curfew for juveniles, the Governing Body may by resolution declare a curfew in the municipality for a period of not more than 90 days and for such hours and under such conditions as may be prescribed by the Township Committee, provided that such curfew shall commence not earlier than 10:00 p.m. and shall end not later than 6:00 a.m. during each of the curfew dates established;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union as follows:

1. Establishment of Juvenile Curfew. A juvenile curfew is hereby established and declared in the Township of Union commencing at 10:00 p.m. and ending at 6:00 a.m. of the following day, during each of the following curfew dates:

Friday, October 30, 2009
Saturday, October 31, 2009; Trick or Treat Hours 12:00 p.m. to 9:00 p.m.

2. Condition of Curfew. During the curfew established herein, it shall be unlawful for any juvenile under the age of 18 years to be on any public street, or in a public place, either on foot or in a vehicle, within the Township of Union during the above designated times.
3. Exception to Curfew. The above-established curfew shall not apply to a juvenile:
 - a) When the juvenile is engaged in an errand involving a medical emergency;
 - b) When the juvenile is in attendance at an extra-curricular school activity, or an activity sponsored by a religious or community-based organization, or other cultural, educational, or social events;
 - c) When work time of the juvenile who is gainfully and lawfully employed overlaps the curfew hours.
 - d) When the juvenile is an attendant as a bona fide student at an evening school of institution.
 - e) When the juvenile is accompanied by a parent or guardian or other adult having the care and custody of the juvenile.
 - f) When the juvenile is on an emergency errand or legitimate business directed by the juvenile's parent/guardian.
4. Responsibility of Parent or Guardian. During the curfew herein established, it shall be unlawful for any parent or guardian of a juvenile to allow an unaccompanied juvenile to be on a public street or in any public place in violation of the above-referenced Ordinance and the curfew established hereunder.
5. Posting, Publication and Distribution of Curfew Notice. Copies of this Resolution shall be posted in such public or quasi-public places as may be designated by the Township Committee and may be published in such newspapers as the Township Committee shall designate. Copies shall also be supplied to area schools with a request that they make students aware of the curfew. Failure to post, publish or distribute this Resolution shall not relieve any person from the obligation of complying with the terms of the curfew imposed hereunder.
6. Notification to Law Enforcement Agencies. Certified copies of this Resolution and the above-referenced Ordinance shall be sent by the Municipal Clerk to law enforcement agencies, including the Municipal Police Department, if any, and the New Jersey State Police.

Mr. Bischoff made a motion to adopt the above resolution. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

- b. The following resolution introduced for adoption:

RESOLUTION #2009-137
UNION TOWNSHIP, HUNTERDON COUNTY
AUTHORIZING PAYMENT TO THE ANIMAL CONTROL OFFICER FOR
THE 2009 DOG AND CAT CENSUS

BE IT RESOLVED, that the dog and cat census having been satisfactorily completed by the Animal Control Officer, payment is hereby authorized to said individual Traci Fleming in the contracted amount of \$2500.00.

- c. **Motion to Approve** – Application for Field Use at Finn Road Park on 10/24/09 – Cub Scout Pack #119.

Mr. Mazza made a motion to approve the application for use of the field at Finn Road Park on 9/19/09 and 10/24/09 for Cub Scout Pack #119 with the fee for such use to be waived retroactive to the 9/19/09 date with the additional provision that the Cub Scouts be reminded to try to get the requests in on a more timely basis. Mr. Bischoff seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

- d. **Motion to Approve** – Approve expense for NJLM Delegate Luncheon for Committee members Bischoff and Mazza.

Mr. Mazza made a motion to approve the expense for NJLM Delegate Luncheon for Mr. Bischoff and Mr. Mazza. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

- e. **Discussion** - Request for putting barricades in the Brass Castle neighborhood on Halloween.

Mr. Mazza made a motion to permit the limited closing of entrance to Brass Castle development including corners of Stires Way and Wyckoff Drive and Groom Rd. and Wyckoff Drive on October 31, 2009 between the hours of 6:00 p.m. to 8:30 p.m. Adults will attend barricades so that they can be opened to allow residents of the development access to homes. There will be a temporary no parking signs installed at the above-mentioned corners and subject to the Association providing an Insurance Certificate naming Union Twp. as additional insured. Local Fire Dept. and State Police will be notified. Mr. Bischoff seconded the motion. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

REPORTS

- a. **Engineer's Report** – a written copy of the report has been submitted with the following topics:

- Maintenance & Repair – 2009. Oil and chip done satisfactorily. Will confirm that roads were swept. Will process paperwork for change in contract price.
- Efficiency and Conservation Block Grants Program – Committee to review application form and the draft RFP.
- Perryville Estates – Spoke with Mr. Caccavelli about getting his roads dedicated and need to get escrow account replenished. Will check with Grace Brennan on monies available and advise the Committee.
- Williams Gas Pipeline-Milligan Farm – Mr. Lee Kasman of Williams Gas Pipeline needs to come before the Committee to discuss the issue.
- Elizabethtown Gas – Property owner provided \$500 bond for inspection fees associated with the permit.
- Striping of Frontage Road – Brief discussion of roads needing striping. It was the consensus of the Committee to use latex paint.

Brian Kirkpatrick noted that while the fuel truck was unloading the driver had left it unattended. He reported the incident to Pilot.

- b. **Attorney's Report** – Mr. Jost reported the following:

- Shueing Property. Wood/trees moved from Shueing property to adjoining private property. There may be zoning issues at the new location.
- Billboards are being erected without any notice to the local townships. There needs to be a change in the process where the approval of the Township Planning Board is required. Mr. Jost dictated the following resolution:

**RESOLUTION #2009-138
TOWNSHIP OF UNION, COUNTY OF HUNTERDON**

**Re: Advocating Repeal or Amendment of Current NJDOT
Regulations Permitting Issuance of Conditional Permits
for Billboards Along New Jersey's Highways Without
Notice to or Consent of Affected Municipalities**

WHEREAS, Chapter 41C of Title 16 of the New Jersey Administrative Code ("NJAC") requires and provides for the issuing of licenses for roadside signs and outdoor advertising and the establishment, use, maintenance and removal of such signs

WHEREAS, The Commissioner of the New Jersey Department of Transportation ("NJDOT") is authorized to promulgate rules governing outdoor advertising, including spacing, size, lighting and other requirement pertaining to the issuance or denial of permits for the erection or maintenance of outdoor advertising signs along limited access and non-limited access highways, prescribing the number, locations and types of and specifications for outdoor advertising signs, and designating the conditions under which outdoor advertising signs may be erected and maintained; and

WHEREAS, NJAC 16:41C-8.7 allows the erection of off-premises signs (billboards) with a maximum advertising surface area of 1,000 square feet that are visible to the main-traveled way of any portion of a non-limited access highway; and

WHEREAS, NJAC 16:41C-8.7 provides that conditional permits may be issued by NJDOT for such off-premises signs subject to obtaining all relevant necessary approvals of the municipality in which the land is located in accordance with ordinances adopted pursuant to the Municipal Land Use Law, NJSA 40:55D-1 et seq.; and

WHEREAS, nowhere in NJAC 16:41C-8.7 is there any requirement that the municipality in which an off-premises sign is proposed to be located shall receive notice of such NJDOT application from either the applicant or the NJDOT, either prior to, or subsequent to, the issuance of such conditional permit; and

WHEREAS, the issuance of a conditional sign permit by NJDOT is often a prelude to the filing of litigation against the affected municipality by the holder of the permit based upon various allegations of defects in the municipal sign regulations or the enforcement thereof, without prior notice to the targeted municipality; and

WHEREAS, the issuance of a conditional sign permit by NJDOT for a sign in excess of 672 square feet which may be prohibited by local zoning or sign regulations may lend an impression of legitimacy to an application for a billboard which is completely contrary to the municipal zoning and master plan, and which would not normally be approved by the municipality; and

WHEREAS, as of March 17, 2009 the NJDOT had issued 365 conditional sign permits for locations in 140 municipalities, of which 285 permits (more than 75%) are for signs with a total sign area of 672 or more square feet, without requiring any notice whatsoever of either the applications or the issuance of such permits having been given to the affected municipalities; and

WHEREAS, a summary listing of conditional permits for off-premises signs in excess of 672 square feet issued by NJDOT without notice to the affected municipalities as of March 17, 2009 is attached to this resolution as Exhibit A; and

WHEREAS, the clandestine issuance of conditional permits to billboard companies by NJDOT for massive advertising billboards of up to 1,000 square feet on structures which may be up to a 100 feet tall or more is inimical to sound municipal land use planning, contemptuous of the principals of home rule existing in New Jersey and contrary to the best interests of the citizens of New Jersey in general, and this municipality in particular; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that this governing body strongly objects to the present regulations of the NJDOT which allow the issuance of conditional State permits for signs (billboards) in excess of 672 square feet without notice to or prior approval of the affected municipality; and

BE IT FURTHER RESOLVED that this governing body calls upon NJDOT to rescind or amend all regulations which allow for the issuance of conditional permits for signs (billboards) along limited access highways without prior notice to or consent from the affected municipality; and

BE IT FURTHER RESOLVED that this governing body calls upon the NJDOT to adopt new rules and standards providing for an opportunity for adequate public notice and public comment on any conditional permit for privately owned signs and billboards proposed to be erected along the public highways of New Jersey, and requiring notice to all affected municipalities from which said billboard would be visible, and further requiring that no such permits shall be issued by NJDOT without the prior consent or approval of the municipalities affected by such proposed signage; and

BE IT FURTHER RESOLVED that a true copy of this resolution as adopted by this governing body shall be forwarded by the Municipal Clerk to Governor Jon S. Corzine, to the Commissioner of the NJDOT, to the legislators representing this municipality, in the New Jersey State Legislature, to the New Jersey State League of Municipalities and to all municipalities located along Interstate Route 78 in the counties of Hunterdon, Warren and Somerset.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Mr. Mazza made a motion to approve the above resolution. Mr. Haynes seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

c. Mayor's Report – Mrs. Dziubek reported the following:

- The Mayor received an email from Chuck LaTournous, Sustainable NJ Chairperson for one of the sub-committees of Sustainable NJ stating that he was formulating the sub-committee with Lisa Costa. Skip Jonas would be joining the committee as well. If the Twp. Committee has any suggestions, the Mayor will be happy to forward it back to the sub-committee.
- Farmland Preservation Plan already addressed.
- The Hoffman RFP are still at County. The leasing part of the RFP went to County Counsel and has not been returned. The Mayor emailed once again.

d. Committee Reports

Mr. Bischoff reported the following:

- “Life is tough, it’s even tougher if you’re stupid.” John Wayne.
- NJLM increasing their dues.
- “Ethics Back to Basics” NJLM Professional Development flier. Mr. Haynes will attend the session.

- Court – talked with Assemblyman Doherty and Administrative Assistant Ed Smith. Mrs. Cupon has provided information on the distribution of revenue in the Court. The State gets 100% of fines written by the State Police. Additionally the State of NJ gets a portion of court costs too. Union Township receives \$18.50 and the State \$5.50. Mr. Bischoff provided this information to Assemblyman Doherty to work up some legislation to help us to get more money from the State. Mr. Bischoff has suggested a Municipal Court Surcharge.
- Thanked the Mayor and Attorney for their efforts in the Highlands Resolution and distribution.

Mr. Mazza reported the following:

- Cooks Cross Road, Barry Gilbert – drainage problem. The Attorney, Township Engineer and County Engineer will meet to look at the problem.
- The landscaping in the front of the Municipal Building is complete.

Mrs. Dziubek reported the following: None

Mr. Bischoff discussed briefly the meeting with DOT to review the Traffic Study for exit 12. For the DOT to work on this project, Union Township needs to provide a resolution accepting Frontage Road.

e. Clerk's Report

- Raffle License #2009-28 Hunterdon County YMCA; On Premise 50/50; 11/20/09

Mr. Bischoff made a motion to approve the above Raffle License #2009-28. Mr. Mazza seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

PUBLIC COMMENTS

Michele McBride, Union Township Environmental Commission- Received a letter from the State that the Township did not receive the trail grant for Milligan Park. She suggested we try again in 2010 when a different ranking system will be used. Mrs. McBride asked the Township Committee how to proceed and would like to meet with the Township Engineer to review the application and make suggestions.

PAYMENT OF THE BILLS

Mr. Haynes moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mr. Mazza seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

At 9:00 p.m. A short recess called.

At 9:06 The Regular Meeting was resumed.

EXECUTIVE SESSION – the following resolution introduced for adoption:

RESOLUTION 2009-139

Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

MINUTES OF REGULAR MEETING October 7, 2009

WHEREAS, the *Open Public Meetings Act, N.J.S.A. 10-4-12*, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive session on October 7, 2009, at 9:06 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

At 9:07 pm, Mr. Mazza made a motion to adopt the above resolution to discuss Personnel. Mr. Haynes seconded. Vote – Ayes: Mr. Haynes, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

At 9:22 p.m., Mr. Bischoff made a motion to go back to public session. Mr. Mazza seconded. Vote: Ayes – Mr. Haynes, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mr. Bischoff made a motion to adjourn. Mr. Haynes seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 9:23

Respectfully submitted,

Pat Essig
Deputy Municipal Clerk